

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANIBAL ESTEBAN JAVIER PEREZ,

Plaintiff,

-against-

TOWN OF BEDFORD, TOWN/VILLAGE
OF MT. KISCO, and GEORGE BUBARIS,
individually,

Defendants.
-----X

ECF CASE

07 CIV 4063 (CLB)

AMENDED
NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Declaration of Lewis R. Silverman, Esq., sworn to on the 11th day of September 2007, and the exhibits attached thereto, and the Memorandum of Law in Support of the Defendant's Motion to Dismiss, the defendant, GEORGE BUBARIS, will move this Honorable Court before the Honorable Charles L. Brieant, United States District Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, Room 218, White Plains, New York on **October 26, 2007 at 10:00 a.m.:**

- 1) For an Order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure dismissing this action because the Complaint fails to state a claim upon which relief can be granted against the defendant;
- 2) In the alternative, for an Order staying this matter pending the conclusion of criminal action pending in the Westchester County Court;
- 2) For such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that the plaintiff's opposition, if any, is to be served at least five days before the return date. Oral argument will be held on a date and time to be determined by the Court.

Dated: New York, New York
September 14, 2007

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

Lewis R. Silverman (9723)
Attorneys for Defendant,
GEORGE BUBARIS
300 East 42nd Street, 18TH floor
New York, New York 10017
(212) 599-5799

TO: LOVETT & GOULD, LLP
Attorneys for Plaintiff
222 Bloomingdale Road
White Plains, New York 10605
(914) 428-8401
Attention: Jonathan Lovett, Esq.

MIRANDA, SOKOLOFF, SAMBURSKY,
SLONE & VERVENIOTIS LLP
Attorney for Co-Defendant-Town of Bedford
240 Mineola Boulevard
The Esposito Building
Mineola, New York 11501
(516) 741-7676
Attention: Steven C. Stern, Esq.

SANTANGELO RANDAZZO & MANGNONE LLP
Attorney for Co-Defendant Town/Village of Mount Kisco
151 Broadway
Hawthorne, New York 10532
(914) 741-2929
Attention: James A. Randazzo, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 14, 2007, a copy of the within **AMENDED NOTICE OF MOTION** was furnished via Regular Mail to LOVETT & GOULD, LLP, 222 Bloomingdale Road, White Plains, New York 10605, Attention: Jonathan Lovett, Esq., MIRANDA, SOKOLOFF, SAMBURSKY, SLONE & VERVENIOTIS LLP, 240 Mineola Boulevard, The Esposito Building, Mineola, New York 11501, Attention: Steven C. Stern, Esq. and SANTANGELO RANDAZZO & MANGNONE LLP, 151 Broadway, Hawthorne, New York 10532, Attention: James A. Randazzo, Esq.

RUTHERFORD & CHRISTIE, LLP

By:



Lewis R. Silverman (LS 9723)